



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,530	05/16/2006	Quirin Sterner	8369.030.US0000	8414
77407	7590	06/03/2009	EXAMINER	
Novak Druce & Quigg LLP			MCCALL, ERIC SCOTT	
1300 I Street NW				
Suite 1000 West Tower			ART UNIT	PAPER NUMBER
Washington, DC 20005			2855	
			MAIL DATE	DELIVERY MODE
			06/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,530	STERNER, QUIRIN	
	Examiner	Art Unit	
	Eric S. McCall	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 March 2009.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 4,6 and 7 is/are allowed.
 6) Claim(s) 1-3 and 5 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 16 May 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

METHOD FOR DETERMINING ADDITIONAL FUEL CONSUMPTION IN A MOTOR VEHICLE AND METHOD FOR DISPLAYING ADDITIONAL FUEL CONSUMPTION

NON-FINAL OFFICE ACTION

This action is in response to the Applicant's Request for Reconsideration dated March 17, 2009.

CLAIMS

OBJECTIONS

Claim 6 remains objected to because of the phrase "at least one current values" (line 4) should read --at least one current value--.

35 U.S.C. § 112

Claim 5 remains rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention because the phrase “the characteristic fields” lacks antecedent basis and is thus indefinite as to what is being referred to (The Examiner also notes that the indicated added and deleted phrases of amended claim 5 are not consistent with the previously pending claim 5).

35 U.S.C. § 102

After consideration of the Applicant’s arguments, the rejection of claims 1-3 and 5 under 35 U.S.C. 102(b) over Barske (5,336,932) as set forth in the previous office action (Dec. 17, 2008) has been withdrawn. However, the following now applies:

35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (5,397,991).

Rogers suggests a method for determining the fuel consumption of an electrical consumer in a motor vehicle with an internal combustion engine, supplied by a generator which is driven by the internal combustion engine, comprising

increasing and decreasing the current input to the alternator wherein the current input to the alternator is due to the demand of an electrical consumer (for example, see col. 5, lines 24-31 and 60-68).

Rogers fails to explicitly set forth the determining of at least one current value of the generator mechanical power input upon energization of the electrical consumer as claimed.

However, it would have been obvious to one having ordinary skill in the art armed with said teaching to determine a current value of the generator mechanical power input.

The motivation being that since Rogers sets forth the increasing and decreasing of the input current to the alternator the current must be monitored (ie. determined) to know if the current has been, in fact, increased or decreased.

Allowable Subject Matter

Claims 4, 6, and 7 have been found to be allowable over the prior art.

Response To Arguments

The Applicant's arguments have been considered and have been found to be persuasive. As such, the previous art rejection has been withdrawn and this action has been made non-final.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric S. McCall/
Primary Examiner
Art Unit 2855